

Anthony Hurst
Chair
Australian Fisheries Management Forum

Dear Anthony

EPBC Listing of Shortfin Mako as Migratory Species

We are writing to you in your capacity as chair of AFMF about an issue of national concern for recreational fishers. We are sure that you are quite familiar with the details but to briefly outline our concerns:

Background

At the ninth meeting of the Conference of the Parties to the **Convention on Migratory Species** (1-5 December 2008), the decision was made to list Shortfin Mako, Longfin Mako and Porbeagle sharks under Appendix II of the Bonn Convention.

Appendix II highlights concerns about the species but was never intended to prevent sustainable fishing practices.

Under Part 13 – Species and Communities, Division 2 – Migratory Species, Subdivision A – Listing, Section 209 Paragraph 3 states:

(3) The list must include:

(a) all species from time to time included in appendices to the Bonn Convention and for which Australia is a Range State under the Convention; and...

This means that the Minister is not given the discretion to distinguish between Appendix I or Appendix II and MUST list the shark species above.

We are most concerned at the lack of consultation that has occurred around this issue. This decision was taken 12 months ago and DEWHA only informed the recreational fishing community in November 2009 in a letter from Assistant Secretary Nigel Routh.

Recfish Australia is a member of the National Shark Recovery Working Group (as are all State/Territory Jurisdictions) where this could have been discussed but was not.

We believe that there are options available to Minister Burke to allow sustainable recreational fishing for these species to continue. These options are covered under *Section 216 – Certain actions are not offences*.

Recfish Australia is the peak national body for recreational and sport fishing in Australia. Members: Amateur Fishermen's Association of the NT (AFANT); Australian National Sportfishing Association (ANSA); Australian Underwater Federation – Spearfishing (AUF); New South Wales Advisory Council on Recreational Fishing (NSW ACoRF); Western Australian Recreational & Sportfishing Council Inc (Recfishwest); Tasmanian Association for Recreational Fishing (TARFish); Victoria's Recreational Fishing Peak Body (VRFish). Affiliate Members: Recreational Fishing Alliance of New South Wales (RFA), Professional Fishing Instructors and Guides Association (PFIGA)

Our mission – One voice promoting sustainable fishing and representing recreational fishers at a national level

To summarise:

1. A permit issued under Section 216
2. An Action Plan in accordance with a wildlife conservation plan (Division 5)
3. An approval under Part 9 (Subsection 20(1) or Section 20A)
4. A class of actions is declared by the Minister (Section 33) that does not require approval and are part of an accredited management plan.
5. A permit issued under the Great Barrier Reef Marine Park Act 1975
6. An action under a plan accredited under Section 222A

Existing State and Territory regulations on sharks is conservative with most jurisdictions having a one to two fish in-possession limit. We believe that there is merit in having Minister Garrett consider accrediting existing State/Territory Management Plans under Section 222A. This has largely occurred for fisheries that are already assessed under the EPBC. Some jurisdictions (such as Queensland) have included the recreational component of their fisheries (see the East Coast Inshore Finfish Fishery) in their management plans that have been accredited by DEWHA while others may need to amend their plans.

DEWHA has indicated that all existing accreditations will be reviewed in light of the decision to list Shortfin Mako, Longfin Mako and Porbeagle Sharks as migratory species.

Recreational fishers are concerned about what the proposed listing will mean for existing fishing tournaments that occur over summer where Mako sharks are caught. Mako sharks are a particularly important gamefish species in south-eastern Australia. They are an important part of an internationally recognised tagging program administered by NSW and much of the information that indicates that Shortfin Mako sharks are not under threat has been derived from information provided by the recreational fishing sector, especially game and sport fishermen.

There is also significant confusion around the status of Mako sharks in state waters – EPBC legislation suggests that actions adjacent to Commonwealth Waters that can have a “significant impact” are also criminal offences.

Fishers are concerned about the compliance burden and who will be enforcing the laws, which we understand the states have advised they are reluctant to pursue. Lastly, there is significant concern about the mandatory reporting of interactions to DEWHA and how this can be practically achieved.

We ask that AFMF, in the interests of all recreational fishers, pursue all options available to allow the status quo to be maintained. We would be interested in an interim delay of listing for 6 to 12 months to allow a case to be prepared for ongoing approval of recreational fishing that results in interactions with Mako Sharks.

The recreational fishing sector looks forward to your response on this matter and advice on ways in which we can work together to reasonably manage what has been a poorly administered process to date.

Yours sincerely



Len Olyott MSc
Chief Executive Officer, Recfish Australia
18 December 2009

cc. Recfish Australia members
Gamefishing Association of Australia

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